

Eastland Sponsoring New Curbs on Travel

By George Lardner Jr.

Washington Post Staff Writer

Unhappy with the way the winds are blowing in the courts, Sen. James O. Eastland (D-Miss.) is sponsoring a new set of rules to restrict the right to travel.

Under his bill, it could become a crime for Americans not only to travel to certain foreign countries, but also to demonstrate on foreign soil against U.S. foreign policy.

The use of passports to restrict travel abroad would be out. "Travel permits" would be in.

The restrictions would apply in peacetime as well as in times of war or national emergency.

Eastland's proposal would

give the Secretary of State the power to prohibit travel by all Americans—or by "certain classes" of Americans—to various foreign countries. Conceivably all travel abroad could be prohibited under certain circumstances.

Congress has never passed a law outlawing travel by Americans to certain foreign countries. The Government's claim that it can still bring criminal charges against those who ignore State Department travel bans appears to be giving way under court attack.

Eastland said his bill was prompted by a Federal District Court decision in Brooklyn April 15. U.S. District Judge Joseph C. Zavatt held that American citizens holding valid passports could not be

prosecuted criminally for traveling to areas forbidden by the State Department.

"The door now stands wide open for travel by U.S. residents to Red China, or Cuba, or North Vietnam, or anywhere else," Eastland complained in a short Senate speech. "All the bars are down now."

A spokesman for Eastland's Senate Judiciary Committee suggested that passports have become obsolete as a means of travel control. Hearings on the new bill are expected to start early next month.

Rep. Michael Feighan (D-Ohio), second-ranking Democrat on the House Judiciary Committee, has put an identical bill in the House hopper.

As an example of "class" limitations that might be imposed, a Committee source suggested "individuals whose purpose is to protest on foreign soil the policies of our Government," such as the pacifists who caused a stir in Saigon last week.

The bill would allow the Secretary of State to fix the restrictions. American citizens or residents who travel to proscribed countries without travel permits or "in violation of the terms" of the permits would face five years in jail and a \$5000 fine.

Passport restrictions are now keyed to entry or departure from the United States. The Immigration and Nationality Act makes it illegal in times of war or national emergency for a person to "depart from or enter the United States unless he bears a valid passport."

Relying on this and the notice on each passport proclaiming it invalid for travel to Albania, Cuba, North Korea and North Vietnam, the Government has argued that travelers who flout the restrictions can

be prosecuted on criminal charges when they come back.

In freeing three men indicted for organizing a 1963 trip to Cuba, however, Judge Zavatt rejected the notion.

The Supreme Court agreed Monday to decide the issue in a similar case. The Court has upheld State Department authority to rule certain areas out of bounds when it issues passports. But it has yet to decide the question of criminal penalties for those who ignore the restrictions.

Anti-Subversive Law Planned in Congress

By Andrew J. Glass

Herald Tribune News Service

A major effort will be staged in Congress to enact a comprehensive anti-subversives law to replace the Internal Security Act of 1950, it was learned yesterday.

According to informed sources, the legislative drive, which is scheduled to get underway in early summer, is designed to:

- Make it more difficult for Communists to infiltrate into student demonstrations, civil rights groups and the war on poverty.

- Plug loopholes in the 1950 law that have arisen largely through a series of Supreme Court decisions. The cumulative effect has been to invalidate much of the Nation's internal anti-subversion machinery.

No effort will be made, how-



Associated Press

SENATOR EASTLAND
... seeks travel curbs

ever, to outlaw the 12,000-member U.S. Communist Party.

Public hearings on the subversion problem will soon be announced by the Senate Internal Security Subcommittee. The panel's chairman is Sen. James O. Eastland (D., Miss.), who also heads its parent Senate Judiciary Committee.

In advance of the hearings, Eastland, is known to be planning a series of senate speeches that will identify alleged Communists in poverty programs and student organizations of the New Left.

The need for a new law, in the opinion of its Senate sponsors, arises from court ruling that have made the Smith Act of 1940 virtually unenforceable. The Smith Act made it a crime to teach or advocate the overthrow of the U.S. Government by force or violence.

More recently, the Supreme Court knocked out a requirement in the Subversive Activities Controls Act of 1950 forcing individual Communist Party members to register with the Government.

In the 8-to-0 decision, reached last November, the Court held that individuals can invoke their constitutional right against self-incrimination in refusing to register.

The Government, however, has succeeded in prosecuting the American Communist Party for failing to register under another provision of the 1950 resulted in a \$230,000 fine, is currently under appeal.

Sponsors of the law are therefore considering an alternative approach whereby Communists will have 60 or 90 days to leave the Party before they are brought under the registration procedure.
